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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,978	09/20/2000	A. Maxwell Eliscu	46983/101	8336
26371	7590	01/05/2004	EXAMINER	
FOLEY & LARDNER 777 EAST WISCONSIN AVENUE SUITE 3800 MILWAUKEE, WI 53202-5308			KRAMER, JAMES A	
ART. UNIT		PAPER NUMBER		
		3627		

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/666,978	ELISCU, A. MAXWELL
Examiner	James A. Kramer	Art Unit 3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) 20-24,30,36,38,39,44,45 and 49-71 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-19,25-29,31-35,37,40-43,46 and 48 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Election/Restrictions***

Applicant's election without traverse of Group I; Species C in Paper No. 4 is acknowledged.

Examiner notes that as defined in the election requirement in Paper No. 3 and per Applicant's Remarks in Paper No. 4 the claims to be prosecuted include 1-19, 31-35, 37, 40- 43 and 48 as generic and claims 25-29 and 46 of Species C. It is noted the amended claims presented by Applicant in Paper No. 4 do not correspond to this (i.e. Applicant's amendment has claims 37 & 46 listed as non-elected and claim 45 as Elected).

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-19, 25-29, 31-35, 37, 40- 43, 46 and 48 rejected under 35 U.S.C. 102(b) as being anticipated by LeBrun et al. (hereinafter LeBrun)

LeBrun teaches an image based document processing and information management system for converting paper documents in to electronic data and electronic images and managing the transactions initiated by those documents (column 1; lines 8-12).

LeBrun teaches the first objective is to capture data so that it can be electronically stored by transmittal to a host computer. This data pertains to accounts payable or other business information (column 1; lines 17-23). The system of LeBrun includes a Capture Management Subsystem and a Storage Management Subsystem (reference column 15). Examiner notes these subsystems represent a means for aggregating paper-based and electronic commercial transaction data (Capture Management Subsystem) to a central server computer (Storage Management Subsystem).

LeBrun also teaches an Application Subsystem which communicates with the Storage Management Subsystem via network (column 17; lines 9-16). The Application Subsystem is used by an end user to extract data from the Storage Subsystem (e.g. column 22; lines 1-15). Examiner notes the Application Subsystem represents a means for displaying commercial transaction information at a user interface at a remote device.

LeBrun further teaches capturing “white mail” or ancillary data for storage and/or display (column 9; lines 53-57). LeBrun teaches the support of customer inquiries received by mail or phone. In processing the customer inquiries, graphics images are retrieved and presented to a clerk who serves those inquires upon demand (column 22; lines 40-45). Examiner notes that the clerk in this case represents the external user, who is capable of accessing the image data in order to facilitate the managing and/or maintenance of the commercial transaction data.

***Conclusion***

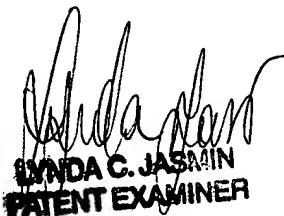
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

James A. Kramer  
Examiner  
Art Unit 3627

JAK



LYNDA C. JASMIN  
PATENT EXAMINER